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MEMO ENDORSED

June 11, 2020

VIA ECF

The Honorable Laura Taylor Swain
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Yovanny Dominguez v. SoulCycle Inc.
Case No. 19-cv-10815-LTS

Dear Judge Swain:

This firm represents Defendant, SoulCycle Inc., in the above-referenced matter. We write, with Plaintiff's consent, to respectfully request a stay of the proceedings in this action, pending the ruling of the Second Circuit Court of Appeals' review of rulings on nearly-identical motions to dismiss.

By way of brief background, within the last month, courts in the Southern District of New York have granted motions to dismiss other gift card cases involving substantially identical complaints. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW)* ("Banana Republic"); *James Murphy v. Kohl's Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW)* ("Kohl's"). Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit has recently ordered an expedited briefing schedule in certain of those cases, indicating some intention that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. Although we understand that the plaintiffs/appellants in those cases intend to ask the Second Circuit to consolidate those appeals and withdraw the expedited briefing schedules, the Second Circuit's intent to rule on these same issues is inevitable and possibly imminent.

As a result, Defendant seeks, with Plaintiff's consent, a comprehensive stay of the proceedings in this action pending the Second Circuit's rulings on the appeals. A stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals.

Thank you for Your Honor's consideration of this request.



Honorable Laura Taylor Swain

June 11, 2020

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Respectfully submitted,

JACKSON LEWIS P.C.

By: /s/ Joseph J. Lynett
Joseph J. Lynett

The request is granted. This action is hereby stayed and placed on the suspense calendar pending further order of the Court. The pending motion to dismiss (DE#24) is terminated without prejudice to reinstatement, and the Defendants' time to respond to the Complaint by reinstating the motion is extended pending further order of the Court. Plaintiff shall file a status report by December 1, 2020, and each June 1 and December 1 thereafter as to whether the appeals have been resolved and whether this case should be dismissed, restored to the active calendar or continued stayed.

SO ORDERED.

6/11/2020

/s/ Laura Taylor Swain, USDJ